

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, March 3, 2015 – 7:00 PM

INVOCATION

Father Joseph Ganser, of the Holy Infancy Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Eric R. Evans, Michael D. Recchiuti, Cathy Reuscher, Louis N. Stellato, Adam Waldron, and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

None.

3. PUBLIC COMMENT

*Article 725.01 – Firearms*

Dr. Fritz Walker, 2552 Cover Bridge Lane, Allentown, remarked that he serves on the Board of Directors of Cease Fire PA, a Pennsylvania premier organization devoted to gun violence prevention. He spoke as a representative of Cease Fire PA regarding Bethlehem's revision to Article 725.01, Discharging Firearms within the City. As reported by WFMZ, Mr. Campione of Pennsylvanians for Self Protection (PSP) read a letter at City Council's last meeting from the lawyer for PSP, Joshua Prince, threatening civil suit if the City does not repeal its ban of discharge of firearms in the parks and also threatening criminal suit against any City Council Members who voted against this repeal. Dr. Walker informed this is enabled by the passage of Act 192 by the State legislature, a law written by and heavily lobbied for by the NRA that makes these law suits possible. He continued, it is unfortunate that the gun lobby has so little regard for the safety and welfare of the residents of Pennsylvania cities like Bethlehem. Dr. Walker noted unfortunately they resort to such bullying tactics, noting this is typical of extreme gun rights organizations like the NRA and Pennsylvanians for Self Protection. He stated it is an outrage that State Senator Lisa Boscola who represents Bethlehem, would kowtow to the NRA and vote for Act 192 which is enabling these dangerous suits in communities throughout the State. Dr. Walker pointed out this is a law that obliterates the conventional concept of standing to create this special privilege for the gun lobby. He added, it is inherently unfair granting to a successful plaintiff damages, including court costs and attorneys fees while granting nothing to a successful defending city. This is a law that is very unlikely unconstitutional. Dr. Walker continued to say in their desperation to pass this law while Governor Corbett was still in office, the legislature had no alternative in the waning days of the session but to attach these various provisions through HB80, a Bill dealing with increasing penalties for the theft of copper from building sites. The Act therefore clearly violates the single subject provision of our State Constitution, Act 3, Section 3, which states: No bill shall be passed containing more than one subject. Dr. Walker pointed out the Cities of Philadelphia, Pittsburgh, and Lancaster and several State legislatures have already filed suit in Commonwealth Court to overturn Act 192. Commonsense firearms provisions are important to the safety and protection of Bethlehem residents. Dr. Walker stated he applauds City Council and the Solicitors for finding a way to maintain the ban on discharge of weapons, not just in the parks but throughout the City, and urged them to pass this revision. He continued the revision appears to be well within the City's right to enact, however the irony of the situation, where you now have somewhat stronger laws regarding bows and arrows, slingshots, and bb guns, than for far more dangerous weapons, including semi-automatic assault weapons, is not lost on him and he hopes not lost on you. Dr. Walker stated finally, regarding the threat of criminal prosecution from Attorney Prince of the PSP, every attorney he has spoken to is incredulous regarding that threat, which has no support in law. He noted Attorney Prince has gone so far as to demand contact information from the State's Right-To-Know Law for anyone who has contributed to Lancaster's legal defense fund to battle their Act 192 lawsuits. Dr. Walker pointed out Attorney Prince wants the contacts so the donors can be prosecuted on grounds they are conspiring with the City to violate State laws by contributing to the City's defense. He remarked this is irony considering that Pennsylvanians for Self Protection claims on their website: We will not align ourselves, advocate or support any rally or group where the predicable outcome may intimidate average local citizens. Dr. Walker urges Bethlehem City Council not to be intimidated by this bully's ridiculous threats either.

*Article 941.05 (c) – Firearms*

Frank Baran, 36 West Spruce Street, remarked he understands Council will be voting tonight on an Ordinance that prohibits the discharge of firearms generally within the City including City parks and playgrounds. This is a commonsense approach that accommodates the Act 192, the new State law and the Third Class City Code. Mr. Baran believes that Act 192 is a bad law and based on an extreme interpretation of the second amendment. The writers of this law include an assortment of groups including Pennsylvanians for Self Protection which to him sounds like a militia group; they want the right to do as they please. Mr. Baran pointed out that City Council can do the best right now by approving the proposed amendment. The City Solicitor worked diligently on preparing this amendment and from what he read this seems to meet legal muster. Mr. Baran stated at the last Council meeting he offered one suggestion that the City Council can consider in the future. He expressed the City should file a Friend of the Court brief on behalf of the Cities of Lancaster, Philadelphia, Harrisburg and Pittsburgh. These are the Cities that are challenging the legality of Act 192. Mr. Baran noted a Friend of the Court brief at the appellate level, would post no legal liability on the part of the City or City Council members. If a Court declares Act 192 invalid he hopes that the City can restore the original Ordinance that bans the carrying of firearms in parks and playgrounds. Mr. Baran noted that City Council has the right to pass Resolutions that express its opinion; there is nothing in Act 192 that precludes a City from expressing opinion under the First Amendment. Mr. Baran thinks it is important that the City make a statement that the residents of the City do not support what Pennsylvanians for Self Protection and the other groups want to do. He added that the Lehigh Valley Tea Party is very active in this endeavor. They claim they want local control over public affairs yet here they have asked the State to invalidate our local control. Mr. Baran quoted from a news article that appeared in The Morning Call on January 19, 2015. "Walking in a Bethlehem Township park with a gun should not be an uncommon sight ." The article dealt with the demand of a Lehigh Valley Tea Party to rescind Bethlehem Township's Ordinance which was similar to the City of Bethlehem's Ordinance. He continued, we need to think about this. We are in the City of Bethlehem; not Texas. We do not carry dangerous weapons in public. Mr. Baran noted we need to keep in mind that even in Texas people felt uncomfortable with guns being waved in their faces. Many stores such as Starbucks and Target forbade people with assault weapons from entering their stores because their customers felt uncomfortable, he added. Mr. Baran believes that the City of Bethlehem, its residents and those using our park system will feel uncomfortable as well with having guns in public places. Mr. Baran urged Council to approve this Ordinance and take it one step further in asking the City's legislative delegation to appeal Act 192.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Items

None.

C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Director of Public Works – Recommendation for Award – Greenscape Landscape*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending approval of a contract with Greenscape Landscape Contractors, Inc. to provide service for the Main Street Streetscape Project, repair deficient sidewalks, remove and replace street trees, install underground electrical conduits serving street lights, Christmas lighting, speaker cables, and special event service locations. The cost of the initial term is \$498,689.15 and the term of the contract is 90 days from notice to proceed.

President Reynolds stated Resolution 9 B is on the agenda.

B. *Director of Water and Sewer Resources – Recommendation of Award – Waste Management*

The Clerk read a memorandum from Edward J. Boscola, Director of Water and Sewer Resources recommending an amendment to an existing contract to increase the price to the City by 10% or more with Waste Management for the disposal of Sludge Cake and Grit/Rags. The total estimated cost is \$78,000 and the term of the contract is from January 1, 2105 to December 31, 2015.

President Reynolds stated Resolution 9 C is on the agenda.

C. *Director of Water and Sewer Resources – Recommendation of Award – John J. Gallagher, Esq.*

The Clerk read a memorandum from Edward J. Boscola, Director of Water & Sewer Resources and Solicitor William P. Leeson, Esq. recommending a contract for professional legal services with John J. Gallagher, Esq. for Water Utility Counsel. The total estimated cost is \$90,000 and the term of the contract is January 1, 2015 to December 31, 2015.

President Reynolds stated Resolution 9 D is on the agenda.

D. *Mayor – Request to Fill Vacancies – Water and Sewer Resources*

The Clerk read a memorandum from Mayor Robert J. Donchez requesting to fill three vacancies in Water and Sewer Resources. The vacancies are a Maintenance Supervisor at the Water Filtration Plant with a salary range of \$50,228.28 to \$70,622.57, a Maintenance Supervisor at the Wastewater Treatment Plant with a salary range of \$50,228.28 to \$70,622.57, and a Meter Shop Foreman with a salary range of \$39,530.90 to \$55,327.61.

President Reynolds stated the Resolutions can be placed on the March 17, 2015 agenda.

6. REPORTS

A. *President of Council*

President Reynolds reported that City Council met last Wednesday, February 18, 2015 in Executive Session with City Solicitor William P. Leeson Esq. and the subject was the award for the termination of Officer Hoffman.

B. *Mayor*

1. *Administrative Order – Seth W. Goren – Bethlehem Human Relations Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Seth W. Goren to membership on the Bethlehem Human Relations Commission effective through March 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-37 to confirm the reappointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Reynolds, 7. The Resolution passed.

2. *Administrative Order – Graig Schultz – Bethlehem Human Relations Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Craig Schultz to membership on the Bethlehem Human Relations Commission effective through March 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-38 to confirm the reappointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Reynolds, 7. The Resolution passed.

3. *Administrative Order – Jeffrey B. Long – Fine Arts Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Jeffrey B. Long to membership on the Fine Arts Commission effective through March 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-39 to confirm the reappointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Reynolds, 7. The Resolution passed.

4. *Administrative Order –Nik Nikolov – Fine Arts Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Nik Nikolov to membership on the Fine Arts Commission effective through March 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-40 to confirm the reappointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Reynolds, 7. The Resolution passed.

5. *Administrative Order – Mari Girardot – Sister City Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Mari Girardot to membership on the Sister City Commission effective through March 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-41 to confirm the reappointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Reynolds, 7. The Resolution passed.

6. *Administrative Order – Joe Narkevic – Sister City Commission*

David Brong, Business Administrator, read Mayor Donchez' appointment of Joe Narkevic to membership on the Sister City Commission effective through March 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-42 to confirm the appointment.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Reynolds, 7. The Resolution passed.

C. Mr. Callahan, Chairman of the Community Development Committee, presented an oral report of the meeting that was held prior to the Council Meeting at 5:00 PM in Town Hall on the following subject: Enterprise Zone Operational Grant. The grant application is being written to obtain funds from the Pennsylvania Department of Community and Economic Development, which will allow another two years of funding for the Economic Development Coordinator. The Director of Community and Economic Development, Alicia Karner, and Director of Planning and Zoning, Darlene Heller, also spoke about the Proposed Zoning Text Amendments. A public hearing and first reading on the proposed amendments will take place on March 17, 2015 at 7:00 pm.

Mr. Recchiuti, Chairman of the Finance Committee, presented an oral report of the meeting that was held prior to the Council Meeting at 6:00 PM in Town Hall on the following subject: 2015 Bond Issue and the 2010 Note Refinance. The committee recommended Council approve the Bond Ordinance. The Bond Ordinance is listed on the agenda tonight for First Reading.

7. ORDINANCES FOR FINAL READING

A. *Bill No. 4 – 2015 – Amending Treasurer's Salary*

The Clerk read Bill No. 4 – 2015, Amending Treasurer's Salary, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 4 - 2015 now known as Ordinance No. 2015 - 4, was adopted on Final Reading.

B. *Bill No. 5 – 2015 – Main Streetscape Improvements Phase II*

The Clerk read Bill No. 5 – 2015 – Main Streetscape Improvements Phase II Project, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 5 - 2015 now known as Ordinance No. 2015 - 5, was adopted on Final Reading.

C. *Bill No. 6 – 2015 – Amending General Fund Budget*

The Clerk read Bill No. 6 – 2015 – Amending General Fund Budget, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 6 - 2015 now known as Ordinance No. 2015 - 6, was adopted on Final Reading.

D. *Bill No. 7 – 2015 – Amending Non-Utility Capital Budget*

The Clerk read Bill No. 7 – 2015 – Amending Non-Utility Capital Budget, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 7 - 2015 now known as Ordinance No. 2015 - 7, was adopted on Final Reading.

E. *Bill No. 8 – 2015 – Amending Water Capital Budget*

The Clerk read Bill No. 8 – 2015 – Amending Water Capital Budget, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 8 - 2015 now known as Ordinance No. 2015 - 8, was adopted on Final Reading.

F. *Bill No. 9 – 2015 – Amending Sewer Capital Budget*

The Clerk read Bill No. 9 – 2015 – Amending Sewer Capital Budget, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 9 - 2015 now known as Ordinance No. 2015 - 9, was adopted on Final Reading.

G. *Bill No. 10 -2015 – Amending Community Development Budget*

The Clerk read Bill No. 10 – 2015 – Amending Community Development Budget, on Final Reading.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 10 - 2015 now known as Ordinance No. 2015 - 10, was adopted on Final Reading.

8. NEW ORDINANCES.

A. *Bill No. 11 – 2015 – Amending Article 725 - Weapons*

The Clerk read Bill No. 11 – 2015 – Amending Article 725 – Weapons, sponsored by Mr. Recchiuti and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 725 OF THE CODIFIED ORDINANCES ENTITLED WEAPONS.

President Reynolds noted in reference to comments before made by Mr. Walker and Mr. Baran on Agenda item 8 A-Bill No. 11 and Agenda item 8 B - Bill No. 12, he agrees with many of those comments and added many Members of Council would agree as well. The future here, as far as some of these issues are concerned, is unfortunately out of our hands. President Reynolds does believe that Council and the Council Solicitor, in conjunction with the Administration and the City of Bethlehem, will certainly look at the options available to people in the City of Bethlehem as far as the future of these types of issues. He continued, hopefully, in Harrisburg, we will have leadership that will act in a way that is consistent with the wishes of the majority of Americans and the majority of Pennsylvanians and the majority of the residents of Bethlehem. President Reynolds stated he will be supporting this Bill and thanked the Administration's Solicitor, Mr. Leeson, and his staff for the work they have done with the amendments. He knows this is a complicated issue that is changing. President Reynolds thanked Council Solicitor Spirk for his comments as well.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 11 – 2015 was passed on First Reading.

B. *Bill No. 12 – 2015 – Amending Article 941, Parks*

The Clerk read Bill No. 12 – 2015 Amending Article 941, Parks, sponsored by Mr. Evans and

Mr. Stellato and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 941 OF THE CODIFIED ORDINANCES ENTITLED PARKS.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 12 - 2015 was passed on First Reading.

C. *Bill No. 13 - 2015 - Intergovernmental Cooperation Agreement - Lower Nazareth Sewer Service Agreement*

The Clerk read Bill No. 13 - 2015 - Intergovernmental Cooperation Agreement - Lower Nazareth Sewer Service Agreement, sponsored by Mr. Stellato and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING AN AGREEMENT FOR INTERGOVERNMENTAL COOPERATION KNOWN AS THE "LOWER NAZARETH SEWER SERVICE AGREEMENT" BETWEEN THE CITY OF BETHLEHEM AND THE TOWNSHIP OF LOWER NAZARETH

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 13 - 2015 was passed on First Reading.

D. *Bill No. 14 - 2015 - Amending Article 927 - Sewer Rental*

The Clerk read Bill No. 14 - 2015 - Amending Article 927 - Sewer Rental, sponsored by Mr. Stellato and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 927 OF THE CODIFIED ORDINANCES ENTITLED SEWER RENTAL.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 14 - 2015 was passed on First Reading.

E. *Bill No. 15 - 2015 - Authorizing 2015 GO Bonds - Capital Improvement Projects; 2010 General Obligation Bond - Refunding Portion of Remaining Bond*

The Clerk read Bill No. 15 - 2015 - Authorizing 2015 GO Bonds - Capital Improvement Projects; 2010 General Obligation Bond - Refunding Portion of Remaining Bond sponsored by Mr. Recchiuti and Mr. Stellato and titled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH AND NORTHAMPTON COUNTIES, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES A OF 2015 ("2015A BONDS") IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$6,000,000; PROVIDING THE PROCEEDS OF THE BONDS SHALL BE APPLIED TO CARRY OUT THE REFUNDING OF A PORTION OF THE REMAINING OUTSTANDING GENERAL OBLIGATION BONDS, SERIES OF 2010 (THE "2010 BONDS") PURSUANT TO A REFUNDING PROGRAM; PROVIDING FURTHER FOR ISSUANCE OF THE GENERAL OBLIGATION BONDS, SERIES B OF 2015 ("2015B BONDS") IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$7,000,000 WITH THE PROCEEDS OF THE 2015B BONDS BEING USED TO FUND THE CITY'S CAPITAL IMPROVEMENT PROJECT (THE 2015 A BONDS AND 2015B BONDS ARE COLLECTIVELY REFERRED TO AS THE "BONDS"); DETERMINING THAT SALE OF THE BONDS SHALL BE A PRIVATE SALE UNDER THE ACT AND DETERMINING THAT THE BONDS SHALL BE NONELECTORAL DEBT OF THE CITY; FIXING THE INTEREST PAYMENT DATED, DENOMINATIONS AND REGISTRATION, TRANSFER AND

EXCHANGE PRIVILEGES OF THE BONDS AND PROVIDING FOR BOOK ENTRY BONDS; SETTING FORTH THE MATURITY DATES, PRINCIPAL MATURITIES AND CURRENT INTEREST RATES OF EACH SERIES OF BONDS AND ESTABLISHING A REQUIRED SCHEDULE OF PAYMENTS WITH RESPECT TO THE SINKING FUND, AS HEREINAFTER ESTABLISHED, IN ORDER TO AMORTIZE THE BONDS; ESTABLISHING THE REDEMPTION PROVISIONS OF THE BONDS; ACCEPTING A BID FOR PURCHASE OF THE BONDS AND AUTHORIZING EXECUTION OF THE BOND PURCHASE AGREEMENT; DESIGNATING A PAYING AGENT AND REGISTRAR; DESIGNATING A PLACE AND METHOD OF PAYMENT OF THE BONDS AND INTEREST THEREON AND MAKING CERTAIN COVENANTS WITH RESPECT TO THE TAX FREE STATUS THEREOF; ESTABLISHING THE SUBSTANTIAL FORMS OF THE BONDS; AUTHORIZING EXECUTION AND AUTHENTICATION OF THE BONDS; PROVIDING FOR THE REGISTRATION OF THE BONDS, THE MAINTENANCE OF RECORDS OF REGISTERED OWNERS AND TRANSFER OF THE BONDS; DESIGNATING A SINKING FUND DEPOSITORY; COVENANTING TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY TO SUCH PURPOSE; ESTABLISHING A SINKING FUND FOR THE BONDS AND AUTHORIZING AND DIRECTING PAYMENT THEREFROM; DESIGNATING A SINKING FUND DEPOSITORY; SETTING FORTH CERTAIN RIGHTS OF THE PAYING AGENT AND BONDHOLDERS IN THE EVENT OF DEFAULT AND OTHER RIGHTS OF THE PARTIES WITH RESPECT TO THE BONDS; PROVIDING FOR THE CIRCUMSTANCES UNDER WHICH THE ORDINANCE MAY BE AMENDED OR MODIFIED; PROVIDING FOR THE TERMS, CONDITIONS AND COVENANTS WITH RESPECT TO THE BOND INSURER, IF ANY, FOR THE BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THE CITY TO DO AND PERFORM CERTAIN SPECIFIED, REQUIRED OR APPROPRIATE ACTS; DECLARING THAT THE DEBT TO BE INCURRED IS WITHIN THE LIMITATION IMPOSED BY THE ACT UPON INCURRING OF SUCH DEBT BY THE CITY; AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE CITY TO DELIVER THE BONDS UPON EXECUTION AND AUTHENTICATION THEREOF, UPON RECEIPT OF PROPER PAYMENT OF THE BALANCE DUE THEREFOR, AND ONLY AFTER SPECIFIED APPROVAL, AS REQUIRED, OF THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH CERTAIN COVENANTS RELATING TO THE FEDERAL TAX STATUS OF THE BONDS; PROVIDING FOR COMPLIANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; COVENANTING TO PAY OVER AT SETTLEMENT SUFFICIENT MONIES TO PROVIDE FOR THE PAYMENT OF THE 2010 BONDS IN ACCORDANCE WITH THE REFUNDING PROGRAM AND AUTHORIZING AND DIRECTING CERTAIN OTHER ACTIONS AND APPROVING DOCUMENTATION WITH REGARD TO THE REFUNDING, PROVIDING FOR THE ISSUANCE OF IRREVOCABLE INSTRUCTIONS TO THE PAYING AGENTS FOR THE 2010 BONDS TO CALL SAID 2010 BONDS FOR REDEMPTION, AND ESTABLISHING THE FORM OF SUCH IRREVOCABLE INSTRUCTIONS AND THE NOTICE OF REDEMPTION; PROVIDING FOR SEVERABILITY OF PROVISIONS OF THE ORDINANCE; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES SO FAR AS THE SAME SHALL BE INCONSISTENT; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

President Reynolds remarked that the 2015 Bond was discussed at the Finance Committee that preceded the City Council Meeting.

Mr. Callahan mentioned that this was discussed at the Finance Committee Meeting. He thanked Mr. Shearer and Mr. Brong and Mr. Sivak for all the work they have done on the Bond.

Mr. Recchiuti, Chair of the Finance Committee, confirmed the Finance Committee Meeting review the Bond and stated these are the funds for Non-Utility Projects that were approved in December 2014.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. Bill No. 15 - 2015 was passed on First Reading.

9. RESOLUTIONS

A. *Authorizing Grant Application – Keystone Communities Grant*

Mr. Stellato and Mr. Evans sponsored Resolution No. 2015-43 for the City of Bethlehem to obtain funds from the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania in the amount of \$100,000 for the Economic Development Coordinator.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

B. *Authorizing Contract – Greenscape Landscape Contractors – Main Street Streetscape Project*

Mr. Recchiuti and Mr. Stellato sponsored Resolution No. 2015-44 that authorized to execute a contract between the City of Bethlehem and Greenscape Landscape Contractors, Inc.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher and Mr. Reynolds, 7. The Resolution passed.

C. *Authorizing Contract – Waste Management – Sludge Cake and Grit/Rags Disposal*

Mr. Recchiuti and Mr. Stellato sponsored Resolution No. 2015-45 that authorized to execute a contract between the City of Bethlehem and Waste Management.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

D. *Authorizing Contract – John J. Gallagher, Esq. – Water Utility Counsel*

Mr. Recchiuti and Mr. Stellato sponsored Resolution No. 2015-46 that authorized to execute a contract between the City of Bethlehem and John J. Gallagher, Esq.

Voting AYE: Mr. Stellato, Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, and Mr. Reynolds, 7. The Resolution passed.

10. NEW BUSINESS.

Mr. Callahan remarked he wanted to take this time to respond, not just for himself, but probably for City Council regarding snow plowing. We get many emails and calls from residents about streets that are not plowed. Mr. Callahan stated he appreciates all of the requests that Public Works receives on a daily basis and knows that the Public Works Department responds to all of the residents concerns as soon as possible. Mr. Callahan thanked Michael Alkhal, Director of Public Works publicly and recognized his department for all the work they do throughout the winter season.

11. PUBLIC COMMENT.

*City Streets – City Employees*

Dana Grubb, 2420 Henderson Place, mentioned as a follow up on what Mr. Callahan said, there are many City streets that need attention after the last two winters. It will be a tough job but he believes the City needs to refocus some energy in that area of operations.

Mr. Grubb remarked he has learned the City's Purchasing Director, a veteran employee, will work her final day this Friday. As a result, he is growing increasingly concerned about the amount of experience leaving City government. He feels the loss of institutional knowledge does not serve the City well. He is especially concerned when City employees are leaving before they plan to retire, especially in this case, with someone who is held in high regard among other government purchasing agents in the Lehigh Valley area. Mr. Grubb stated it is too bad this same individual, among others in City Hall, has been bullied, intimidated and shown nothing but disrespect by certain administrators. Mr. Grubb finds it personally disgusting that this kind of behavior is permitted and continues in City Hall. He continued to say morale needs to be built; not destroyed. It does affect the quality of services owed to the taxpayers. Mr. Grubb pointed out

that adults can be bullies too; not just kids. He urged and recommended that this job opening be made available outside of City Hall. Mr. Grubb recommended the position be advertised so that the City can have the best and brightest individuals working for the residents and businesses of the City. Mr. Grubb noted we have a number of people already in the Administration who are not qualified to do their jobs. He added the taxpayers deserve much better qualified public servants. Mr. Grubb pointed out we live in an era of specialization. Positions such as a Purchasing Director; a Human Resources Administrator, require specific skills, specialized training, and experience in this field so that procedures and regulations may be followed correctly. As a taxpayer, he would be very concerned if another amateur is placed in the position, which requires a great amount of responsibility. Mr. Grubb stated he had the privilege of working closely with the outgoing Purchasing Director and complimented her on her integrity. He noted that her policies resulted in a great deal of savings over the years for the City. Mr. Grubb mentioned as a taxpayer and small business owner, he appreciates this, and is sure that as one of former City Administrators who actually resides in Bethlehem, appreciated her work ethic as well. Mr. Grubb emphasized that to fill this or any position in City Hall without advertising, is completely irresponsible.

#### *Rail Authority*

Kirk Raup, 818 West Union Boulevard, stated he is disappointed that Mayor Donchez is not at this meeting tonight because what he is speaking about this evening is directed towards the Mayor. Mr. Raup mentioned he wanted to ask the Mayor, on the record, to retract the memo that was sent to Council on May 6, 2014 regarding the rail agency proposal. Mr. Raup wanted to hand it to Council for open discussion and dialogue in public. He continued this would hopefully lead to our Council in asking Allentown and Easton to join us to create the SMART Lehigh Valley. He noted the concerns the Mayor raised in the memo are just not there. He added, he is mistaken, misinformed, or just unintentionally misled. Mr. Raup expressed his disagreement with Mayor Donchez' assessment in a written rebuttal to the Mayor and to Council on May 10, 2014, but to date he has not received a response. He did not expect a response from Council because this memo was not generated by Council. Mr. Raup pointed out he has not heard back from the Administration or the Mayor. He continued this issue deserves discussion in an open and public forum. It is truly too important to Bethlehem and the Lehigh Valley. He added, too many misconceptions still exist and beg to be corrected. Mr. Raup explained this is why he is requesting a dialogue on this matter, rather than speaking for a few minutes at a time every couple of weeks. Mr. Raup mentioned that Mayor Donchez and President Reynolds should have or should soon receive a letter from State Senator Lisa Boscola, expressing her continued support for the creation of a rail authority and making a significant commitment in writing to pursue funding that already has been budgeted for similar Pennsylvania rail projects. Mr. Raup stated specifically, this is the PennDOT Multimodal Fund, which the City has access to for other projects. He believes the City was recently able to obtain \$200,000 or \$400,000 for a project using those funds because they are considered flexible funds. Mr. Raup reiterated that he just wanted to ask Mayor Donchez if he would agree to retract his memo because it stopped everything regarding the project. He expressed it is unfortunate, because much of what was in the Mayor's memo just doesn't exist; it was not accurate and not truthful. Mr. Raup also wanted to mention that an important aspect for Allentown and Easton, aside from Bethlehem being in the middle of everything to create this agency, is that Bethlehem owns the last little bit of right of way between the SEPTA right of way in Hellertown and the last mile and a half into Bethlehem, which connects that line to the Lehigh Valley. He continued the participation by Bethlehem and cooperation with this project is essential. He feels it is incumbent for Bethlehem to take some initiative for this project. He added he is also looking to Council and the Mayor from some leadership to get this off the ground.

President Reynolds remarked our new City Controller George Yasso is in attendance and he wanted to congratulate him for being sworn in and welcome him.

President Reynolds added that he wanted to wish Mr. Evan's son, Adam and Mr. Callahan's nephew, Johnny, good luck this weekend. They were both successful last week in regional wrestling. There is the PIAA tournament this weekend so he wished good luck to them as well as fellow Hurricanes going out to Hershey and participating in the tournament.

#### 12. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

ATTEST: